

### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

July 24, 2008

Thomas C. McEntee Product Registration Manager DuPont Chemical Solutions Enterprise P. O. Box 80402 Wilmington, DE 19880-0402

Re: Use of the term "shock" on non-pesticide labeling

Dear Mr. McEntee:

Thank you for meeting with the Agency to review the previous Agency determination concerning non-pesticide shock products. As you are aware, a letter was posted on the Agency web site (<a href="http://www.epa.gov/oppad001/shock\_ltr.htm">http://www.epa.gov/oppad001/shock\_ltr.htm</a>) that clarified what terms required registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and what terms would not require FIFRA registration. At that time, the Agency stated that "Claims to kill, prevent or control algae or bacteria are pesticide claims" and that "the term shock is inherently a pesticide claim." The major focus of the March 13, 2008 meeting was to discuss use of the term "shock oxidizer", addition of permissible claims, mock labeling, and use of existing labeling.

The Agency has agreed that the use of the term "shock" in the product name is acceptable if it is immediately qualified as a "Shock Oxidizer" or "Oxidizing Shock" product. The qualifier should be in the same font size and color as the term "shock".

In the previous Agency letter, dated June 21, 2007, use of the term "effectively reduces organic contamination" was deemed to be a pesticide term that required FIFRA registration. Subsequent meetings between DuPont and Agency microbiologists have resulted in this term now being acceptable for non-pesticide shock labeling. However, this does not alter the previous decision that use of the term "eliminates organic waste" is a pesticide claim. In fact, use of "organic waste" instead of "organic contamination" will require FIFRA registration.

Both the Agency and DuPont agreed that a mock label for Industry to review would be beneficial for adherence to Agency guidance. As such, the Agency will post the agreed upon mock labeling, provided by DuPont, on the web site.

Use of existing labeling may not exceed December 31, 2008. Any product released for shipment beginning January 1, 2009 must be in accordance with the June 21, 2007 letter and this addendum. If you need further assistance or clarification concerning this decision, please contact Michael Hardy via email at hardy.michael@epa.gov.

2

Sincerely,

Frank T. Sanders, Director **Antimicrobials Division** 

PHYSICAL OR CHEMICAL HAZAROS. STRONG CHICAGO. A CONTINUA AGENT Never add west to product Awars and product his large quantities of water. Do not mix with what chemicals but not add this product to any clement feeder. Contamination with mosture organic matter or other orthogolar causes a vicential place of contamination, and contamination of vicential of the hazardous glass in case of contamination or obscriptions of the desired contamination of other productions of the contamination of other products of the contamination of other are of evidenticated along 1700 of white hazardous areas 1700 of with which and products of cases.

## DIRECTIONS FOR USE:

BRAND Shock & Swim Shock Oxidizer contains no choicing or other sentiture and should be used to outdust reachest only for routine distribution use an EA, transtated antiture according to tabel interaction. Regularizer of BRAND Shock & Swim Shock Oxidizer will immove most of the contaminants that accumulate in swimming pool and spa weer.

# WHEN TO USE BRAND Shock & Swim Shock Oxidizer For initial treatment or at pool opening

DIRECTIONS FOR SWIMMING POOLS:

Weekly
 After heavy use
 After heavy rain or wind

# HOW TO USE THIS PRODUCT TO KEEP POOL WATER SPARKLING CLEAR:

Convention and after heavy use, heavy rain or wind.

Aut i pound of this product per 10 000 galons of pool water each well.

Aut in pound of this product per 10 000 galons of pool water each well.

Aut only when no ballness are present. Bathers can return to the pool after 15 minutes.

Broadcast product uniformly over the surface of the water, adding 20 of the total does into the deep end of the pool.

Bruil the pool filter for 8 hours.

For initial treatment, or when opening or closing pools for the season and 25 opunies of BroAuth Storck & Swim Shock or Condition per 10,000 gallons of pool water.

## DIRECTIONS FOR SPAS AND HOT TUBS:

BRAND Shock & Swim Shock Oxidizer contains no chlorine or other sanitare and should be used for oxidizer treatment only. For contained fastification use an EPA registered sanitares according to lasel direction. Regular use of BRAND Shock & Swim Stock Oxidizer with remove most of the containments that accumulate in 5px water.

WHEN TO USE BRAND Shock & Swim Shock Oxidizer.
After every spaluse
Once per week if the spalis not being used

# HOW TO USE THIS PRODUCT TO KEEP SPA WATER CRYSTAL CLEAR:

Every time the spalis used it must be oxidized. After every use ladd 2 ounces of this product per 300 gallons of water.

- Run the pump for at least 30 minutes. Turn the jets on and off once or twice after adding this product to improve the trealment.

SHOCK OXIDIZER [OXIDIZING SHOCK]

### **Shock & Swim**

## Potassium monopersulfate... Other Ingredients:..... Total: Active Ingredient:

## KEEP OUT OF REACH OF CHILDREN DANGER

CORROSIVE TO EYES, SKIN AND MUCOUS MEMBRANES. MAY BE HARMFUL IF SWALLOWED.

Avoid contact with eyes, skin and clothing. Wash thoroughly with soap and water after handling. Avoid breathing dust.

SEE ADDITIONAL PRECAUTIONARY INFORMATION AND FIRST AID ON BACK PANELS

NET WEIGHT: 1 LB (0.45 KG)

# BRAND

### **SHOCK OXIDIZER Shock & Swim** [OXIDIZING SHOCK]

- Keeps water crystal clear
- Eliminates organic contaminants
- Reduces odors and eye irritation

Swim in 15 minutes

BRAND Shock & Swant Shock Oxidizer is gravity on pool surfaces. If leastwise quickly and will not bleach or Jade way! Invest or particle surfaces. BRAND Shock & Swim Shook Oxidizer residence statisfic and clamb to pool water. It will not increase calcium hardness or stabilizer levels. BRAND Shock & Swim Shock Oxidizary contains no children or other Shock Oxidizary.

STORAGE AND HANDLING: Keep dry and in criginal container. Store in a cod, dry, well-verillated place. Do not store with chronie, bromine, or floud acids. Keep container lightly closed when not in use.

PACKAGE DISPOSAL: Triple rinse emply container. De not reuse container, Discard in trash.

READ ALL PRECAUTIONS BEFORE USE: Wear goggles and gloves when handling. Use only in swimming pools and spas. Add only when no bathers are present.

Company
Address
City, State
ZIP CODE USA
website address

## FIRST AID

IF IN ETES, Hold set open and mas shaw) and grind with war for 15-30 makes. Remone contain lenses if present, after the test 5 markes, then contain integer get. Call a poson control cleaner of accord or treatment and poson control cleaner of accord or treatment and poson Carol Charles. This of communitation IF ON \$900. OR CLOTHING: This of communitation community and the control cleaner or doctor for post-material according to the control cleaner or doctor for the control cleaner or doctor or doctor or doctor

realment above 
in NHALED. More person to fresh an if person is not 
breathing, call \$11 or an ambulance, then give artificial 
respection, preferably by month-to-mouth; filt possible. Call a 
passon curron clarifier or coccar for further breathers above 
if SYMLLOWED. Call posson control camer or docutor 
immediately for treatment aboved the expertion sip a give 
of water if abit to swellow. On not inches monthly unless 
tald to do so by the posson control docutor 
give anything by mouth to an unconscious person.

Have the product container or label with you when calling a poison control center or doctor, or going for

YOU MAY ALSO CONTACT 1-800-424-9300 FOR EMERGENCY MEDICAL TREATMENT INFORMATION.

BRAND Stock & Swim Shock Codeox is a powerful oxygen-based oxidizer. When used regularly, this product will eliminate organic confirmments and esta-poduct will find trained coloring water crystal clear. This product will not raise chlorine levels or products combined chlorine or chloramines which can cause chlorine odor and eye irritation.